

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

WHITNEY NATIONAL BANK)	
)	
Plaintiff,)	
)	
v.)	Case No.: 2:07-CV-414-MEF
)	
THOMAS J. MILLS and SAFETY GUIDE)	
OF ALABAMA, LLC.)	
)	
Defendants.)	

MOTION TO DECLARE DOCUMENTS UNDER SEAL

COMES NOW Defendant Thomas J. Mills and respectfully requests this Honorable Court to allow him to file certain documents designated as "Confidential" under seal. Such documents have heretofore been filed in support of Defendant Mills' Motion for Summary Judgment. This Motion is being made pursuant to the verbal instructions of the Clerk of the Court and pursuant to Rule 5.2(d) Fed. R. Civ. P. As grounds therefore, Defendant Mills states as follows:

1. On December 18, 2007, Magistrate Judge Wallace Capel, Jr. issued an Order on Motion and Protective Order in this matter. (Doc. 38).
2. That Order permitted any party to designate information as "Confidential."
3. Materials designated as "Confidential" were, according to Judge Capel's Order, to be "maintained in confidence by the person to whom such materials are produced or disclosed" with certain exceptions.
4. The Protective Order also contemplated that "Confidential" materials, quotes therefrom, references to or summaries of such materials, if included in papers filed with the Court were to be filed and labeled "Confidential - Subject to Court Order" and unless otherwise

agreed by counsel, to the extent allowed by Court rules were to be filed in a sealed envelope and kept under seal and not disclosed to any person unless ordered by this Court. (Doc. 38, ¶ 7)

5. The documents submitted to this Honorable Court on Mills' behalf and previously designated as "Confidential" by Plaintiff Whitney Bank have been filed under seal consistent with paragraph 7 of Judge Capel's Order

6. The filing of the "Confidential" documents referenced herein has been made by Mills in such a manner as to be compliant with Judge Capel's Protective Order.

7. Nonetheless, pursuant to the instructions of the Clerk of Court, Defendant Mills' hereby respectfully requests this Honorable Court allow him permission to file the aforementioned documents "under seal" or otherwise allow them to be kept in some confidential fashion by the Court in order that Mills' filing of such documents does not run afoul of Judge Capel's Protective Order.

8. Defendant Mills does not object to the documents being filed in the regular fashion; however, Mills understands that Whitney Bank is desirous of keeping said documents under seal for the protection of the privacy and privilege of the non-parties to the financial transactions referenced by said documents.

WHEREFORE PREMISES CONSIDERED, Defendant Thomas J. Mills respectfully requests this Honorable Court grant his Motion to allow the filing of 1) his affidavit and 2) the documents referenced in his affidavit under seal to protect the confidentiality of the documents in accordance with Judge Capel's Protective Order and the wishes of Plaintiff Whitney Bank.

Respectfully Submitted,

/s/ Jack B. Hinton, Jr.

Jack B. Hinton, Jr. (HIN020)

Attorney for the Defendant Thomas J. Mills

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing was served on the following by placing a copy of same in the United States mail, postage prepaid and properly addressed this 13th of February, 2008.

Gregory C. Cook

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P. O. Box 306

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/s/ Jack B. Hinton, Jr.

Jack B. Hinton, Jr.